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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,096	05/31/2001	Mamoru Shimazaki	P/126-204	9305

7590 11/18/2004
Steven I Weisburd Esq
Dickstein Shapiro Morin & Oshinsky LLP
1177 Avenue of the Americas - 41 Floor
New York, NY 10036-2714

EXAMINER

QUINONES, ISMAEL C

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,096

Applicant(s)

SHIMAZAKI, MAMORU

Examiner

Ismael Quiñones

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040617</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 13, 2004 has been entered.
2. **Claims 1-6** are pending in the present application. **This Action is made NON-FINAL.**

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1 and 3-5** are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (U.S. Pat. No. 6,574,487).

Regarding **claim 1**, Smith et al. disclose an information processing apparatus (Fig. 1, item 10) comprising a hinge mechanism (col. 4, lines 45-49; Figs. 1 and 3) and

Art Unit: 2686

first and second cases (*col. 2, lines 45-48; Fig. 1, item 10 and 14*) of which has front and back sides (*Figs. 1-4*), said first and said second cases coupled to each other through hinge mechanism (*col. 4, lines 45-49*) so that information processing apparatus is folded with front sides of said first and second cases are faced to each other (*Fig. 3 and Fig. 4*); wherein said first case has a display unit (*item 12, col. 5, lines 58-59*) so that a displayed content of said display unit can be seen from both the front and back sides of said first case (A processor (*item 82*) coupled to a driver circuit (*item 52*) for driving the display contents based on the folded position of the communication device wherein the processor directs content such as alphanumeric information (date, time, and caller ID tel. No.) to the bottom portion (*item 66*) of the display (*item 12*) through the second viewport (*item 22*) and the top portion of the display (*item 62*) through the first viewport (*item 18*); *col. 2, lines 46-52; col. 3, lines 5-11; col. 4, lines 33-58; and Figs. 1 and 3, items 18 and 22*); said display unit being provided with a liquid crystal display plate (*col. 2, lines 38-39*) having first and second sides and a pair of screens (screen or lenses), said screens being substantially transparent (*col. 2, lines 43-44*) and being arranged in an opposed manner over the first and second sides of said liquid crystal display plate (Wherein the viewing portions of the panel (*items 60 and 64*) are opposed to each other, the first side (*item 60*) contains a top portion (*item 62*) for displaying content (i.e. alphanumeric information) through a first viewport (*item 18*) and the second side (*item 64*) contains a bottom portion (*item 66*) for displaying content through a second viewport (*item 22*), furthermore wherein the viewports (*items 18 and 22*) are arranged and shown in an opposed manner (*Figs. 2, 4, and 5*); *col. 2, line 60 thru col. 4, line 58; See Abstract*); said second case

Art Unit: 2686

having at least one of operating buttons for the operation of said information processing apparatus (keypad; *col. 2, lines 20-22; Fig. 1*).

Regarding **claim 3** and as applied to claim 1, Smith et al. disclose a first case (housing; *Fig. 1, item 14*) provided with a speaker for telephone talking (*Fig. 1*), and a second case provided with a microphone for telephone talking (user interface specified by Smith et al. for means of input/output operations, such as audio and display; *col. 6, lines 29-32; col. 2 lines 20-22*).

Regarding **claim 4** and as applied to claim 1, Smith et al. disclose an information processing apparatus comprising a control circuit (*Fig. 5, item 82; col. 5, lines 25-28*) for switching the display content of said display unit so that the display content is normally seen from any one of the front and the back sides of said first case (*col. 4, lines 33-58*).

Regarding **claim 5** and as applied to claim 4, Smith discloses an information processing apparatus (communications device, *item 10*) comprising a control circuit for switching the displayed content of the claimed display unit when at least one of said operating buttons is not touched for a predetermined time (it is inherent that once the information apparatus is closed or folded, the keys or operating buttons would not be touched for a predetermined time, U.S. Pat. No. 6,574,487 *Smith et al.*; *Fig. 4*, therefore switching the display content at the back of the first case, U.S. Pat. No. 6,574,487 *Smith et al.*; *Fig. 3; col. 1 lines 46-48*), where the displayed content is normally seen in left and right directions from said backside of said first case (*Figs. 3 and 4; col. 5, lines 63- col. 6, line 4*).

Art Unit: 2686

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U.S. Pat. No. 6,574,487) in view of Weissshappel et al. (U.S. Pat. No. 5,857,148).

Regarding **claim 2** and as applied to claim 1, Smith et al. disclose an information processing apparatus comprising a hinge mechanism and first and second cases coupled to each other through said hinge, where first case has a display unit provided with a liquid crystal display. Smith et al. fail to clearly specify a battery provided on said second case.

In the same field of endeavor this is clearly shown by Weissshappel et al. (U.S. Pat. No. 5,857,148), which disclose battery on the second case (second housing) of an

Art Unit: 2686

information processing apparatus/portable electronic device (*Abstract lines 3-4, and col. 3 lines 52-53*).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to have Smith et al. communication device having 2 folding cases to include a battery pack on the second housing as taught by Weissappel et al. for the purpose of allowing considerable space to be saved in the first housing case for the dual side LCD display.

8. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al.(U.S. Pat. No. 6,574,487) in view of Suso et al. (U.S. Pat. No. 6,466,202).

Regarding **claim 6** and as applied to claim 4 which depends on claim 1, Smith et al. disclose an information processing apparatus comprising a control circuit (*Fig. 5, item 82; col. 5, lines 25-28*) for switching the display content of said display unit so that the display content is normally seen from any one of the front and the back sides of said first case (*col. 4, lines 33-58*). Smith et al. fail to clearly specify a sensing switch for sensing said first and second cases are opened to each other.

In the same field of endeavor Suso et al. disclose a sensing switch (*item 21*) for sensing said first and second cases are opened from or closed to each other (*col. 4, lines 14-16*). Suso et al. also disclose an operability between the sensing switch (*item 21*) and the control circuit (*col. 6, line 64 thru col. 7 line5*), when said sensing switch (*item 21*) senses that both cases are opened from each other, so that the display content is normally seen in left and light directions from said front side of said first case (*col. 6, lines 60-64*).

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention was made to have Smith et al. control circuit to include a switch means for sensing both closed and open states (Smith et al. disclose the operability of both open/closed states wherein the second viewport/back display is visible when the device is folded and both view ports, first /front display and second/back display are visible when the device is open/unfolded; *col. 2 lines 46-52*) of the portable information terminal (communications device) as taught by Suso et al. for the purpose of allowing automatic sensing of both open/closed states of the portable information terminal.

Response to Arguments

9. Applicant's arguments filed on, June 25, 2004 have been fully considered but they are not persuasive.

The Applicant argues that Smith et al. fail to disclose or teach the screens of the information processing apparatus being arranged in an opposed manner over the first and second sides of said liquid crystal display plate.

The Examiner respectfully disagrees with the Applicant's argument because Smith et al. clearly disclose a single LCD panel having two opposite sides (*Fig. 5, items 60 and 64*), one side (*item 60*) comprising a first viewport (*Figs. 1, 2 and 4; item 18*), and the other side (*item 64*) comprising a second viewport (*Figs. 2-4, item 22*), wherein both viewports are covered with substantially transparent lenses (*col. 2, lines 41-44*).

In response to Applicants' arguments against **claims 2 and 3-5**, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out

Art Unit: 2686

how the language of the claims patentably distinguishes them from the references. Therefore **claims 2 and 3-5** are still rejected because they depend on and include all the limitations of base **claim 1**.

Conclusion

10. Any response to this Office Action should be **faxed to** (703) 872-9306 or **mailed to:**

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Crystal Park II

2021 Crystal Drive

Arlington, VA 22202

Sixth Floor (Receptionist)

11. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

12. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

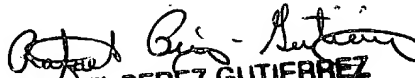
Art Unit: 2686

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

Ismael Quiñones

I.Q

November 15, 2004


RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
11/15/04